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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,993	01/24/2001	Michael Charles Findley	OA0-0001	4195
110	7590	06/10/2005	EXAMINER	
DANN, DORFMAN, HERRELL & SKILLMAN 1601 MARKET STREET SUITE 2400 PHILADELPHIA, PA 19103-2307			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/768,993

Applicant(s)

FINDLEY ET AL.

Examiner

Scott L. Jarrett

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/17/2005.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 6/6/05
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This **Final** Office Action is responsive to Applicant's amendment filed. Applicant's amendment of March 17, 2005 amended the specification and drawings, canceled claims 1-20 and added new claims 21-47.

#### ***Response to Amendment***

2. Applicant's amendment filed on March 17, 2005 with respect to canceled claims 1-20 and new claims 21-47 necessitated new ground(s) of rejection.

#### ***Response to Arguments***

3. Applicant's arguments with respect to canceled claims 1-20 and new claims 21-47 have been considered but are moot in view of the new ground(s) of rejection.

***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Graphical User Interface For A System Management Tool.

***Claim Objections***

5. Claims 23, 32 and 41 objected to because of the following informalities: the claims use acronyms for metrics instead of spelling out the specific metrics intended to be claimed. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 23, 31 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 23, 31 and 40, claims 23, 31 and 40 are indefinite as to scope in the use of the term "goodness" and further the disclosure does not clearly define the phrase "goodness of the selected metric." The phrase goodness of the selected metric could include a plurality of concepts including but not limited to a value lying within a specified range, an expected vs. unexpected value, desired vs. not desired value, and the like. Claims 23, 31 and 40 is therefore rejected as being vague and indefinite.

Examiner interpreted the phrase "goodness of the selected metric" to mean any of the plurality of concepts discussed above.

***Claim Rejections - 35 USC § 101***

8. Claims 21-47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

In the present case, claims 21-47 merely recite a method/system for displaying system and system related information based on a user's selection and therefore does not produce a useful, concrete and/or tangible result. The claimed invention, as a whole, does not product a useful, concrete and/or tangible result therefore claims 21-47 are deemed to be directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 21-27, 29-36, 38-45 and 47 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Manghirmalani et al., U.S. Patent No. 5,819,028.

Regarding Claims 21, 30 and 39 Manghirmalani et al. teach a method and system for analyzing the performance (health) of a plurality of systems and subsystems (network, network elements/components; Abstract) wherein the system comprises a graphical user interface (network management station, GUI) wherein the GUI provides (presents, displays) an overview (summary) of the overall “health” (stability, performance, status, etc.) of the monitored systems/subsystems in an intuitive manner and provides a convenient mechanism for supporting user interaction with the system (Column 5, Lines 20-50).

Manghirmalani et al. further teach that system management tools (expert systems) are old and well known in the art and that systems management tools collect, analyze and report on a plurality of system and subsystem related data/information for the purposes of identifying and/or resolving (isolating and fixing) potential system problems (Column 2, Lines 55-65).

Art Unit: 3623

More specifically Manghirmalani et al. teach a system management method and system (tool, apparatus, etc.; network management system) for providing a plurality information related to a plurality of systems/subsystems comprising:

- displaying (on a page, window, home page, screen, start screen, etc.) a link to library (collection, set, group, repository, list, management information base, etc.) containing information related to a plurality of systems and/or subsystems and elements of the library ("network management station", Column 5, Lines 20-38; Column 12, Lines 1-5; Figures 2 and 11 as shown below);

- displaying links to a plurality of accessible databases (data stores, internal and external, files, management information base, MIBs being a databases containing the information pertinent to network management; Column 12, Lines 5-25) to the system, wherein the data store contains information related to a plurality of systems and/or subsystems (Figure 10);

- displaying links to indicators (icons, graphics, alerts, etc.) and elements (components, modules, subsystems, etc.) including forecasting indicators for forecasting (predict, future, anticipate, etc.) performance (health) of the plurality of systems and/or subsystems ("...the expected behavior of these various attributes can be dynamically computed...", Column 10, Lines 48-50; "...estimating future values for that particular object.", Column 10, Line 54; Column 10, Lines 40-54), threshold indicators for forecasting relative threshold and metrics for indicating an unstable (undesirable, unhealthy, out of bounds, exceeding parameters, low/high, etc.) process



Art Unit: 3623

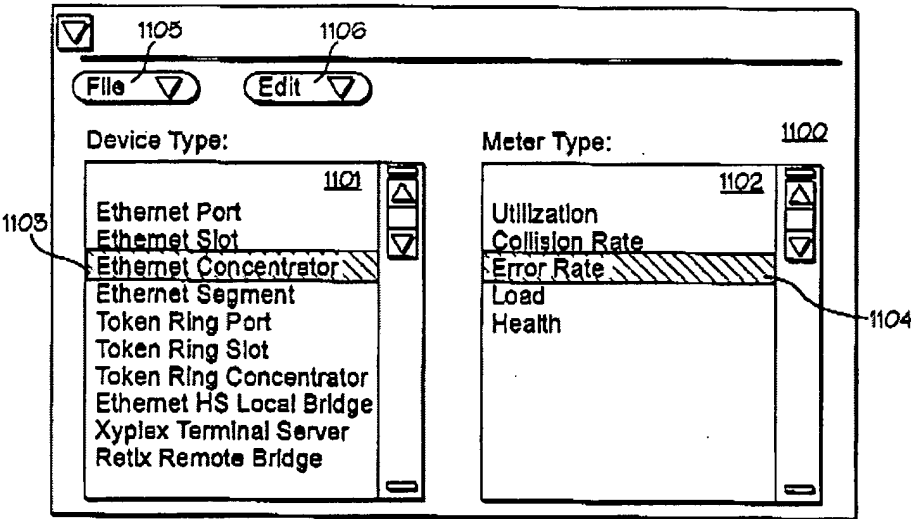
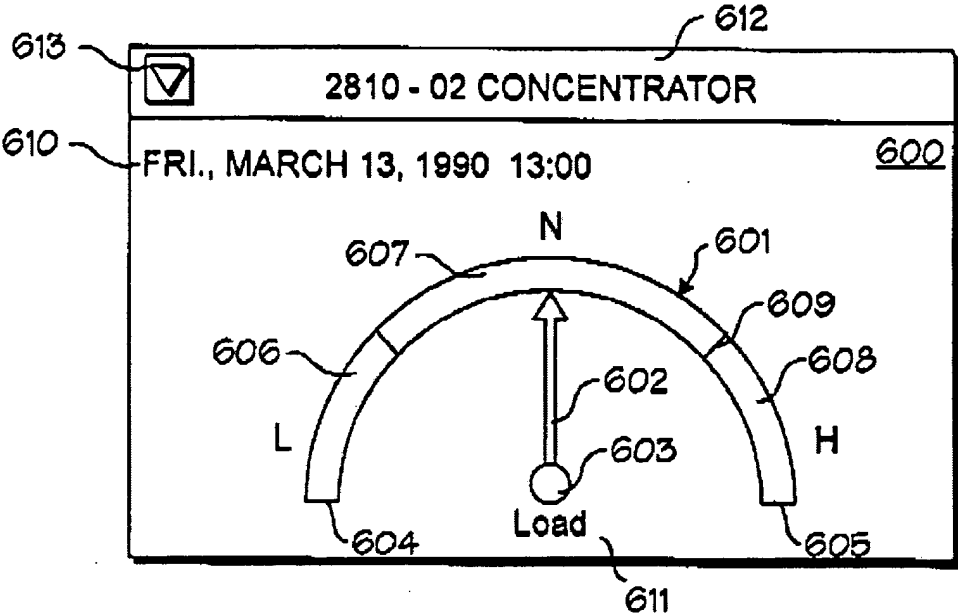
(series of steps, workflow, method, etc.; Column 6, Lines 17-53; Column 8, Lines 1-54; Column 11, Lines 1-5; Figure 6 as shown below; Figures 9, 12);

- displaying technical performance evaluations (assessments) and links to elements including assessment of a goal (e.g. staying within the determined high/low thresholds) and an assessment of a sensor (agent; e.g. how a particular system element/component is performing based in the sensor/agent data; Column 5, Lines 64-68; Column 6, Lines 1-16; Figures 9, 13-16);

- displaying, in response to a user selection (action, event) of a link, information on a screen (display, screen shot, page, etc.; Column 10, Lines 5-12; Figures 2-20);

- displaying one or more selectable links including at least one of a list of selectable metrics or systems and/or subsystems (Column 12, Lines 1-45; Figures 11-12 as shown below); and

- displaying a screen for the selected metric and selected system or subsystem wherein the screen is displayed in response to a user's selection and wherein the data is provided by at least one of the following: a library (list, group, set); or databases (management information base; data stores; Column 12, Lines 1-45).



Art Unit: 3623

Fig. 12

Regarding Claims 22, 31 and 40 Manghirmalani et al. teach a system management method and system comprising a graphical user interface wherein the display of a selected metric and system or subsystem comprises at least one of the following:

- a threshold (alarm condition, boundary value/level) related to selected metric for the selected system or subsystem (Column 8, Lines 39-53; Column 11, Lines 1-5; Column 12, Lines 33-40; Figures 6, 9, 12);
- a indicator of the goodness (health, performance, appropriateness, low/high, green/yellow/red, etc.; Figure 12, Elements 1210-1213 as shown above) of the selected metric relative to a threshold for the selected system or subsystem (Column 6, Lines 17-54; Column 8, Lines 15-54; Figure 6 as shown above) ;

- a plot of the selected metric versus time (graph meter; Column 8, Lines 54-61; Figure 4 as shown below); or
- a bar graph of the selected metric.

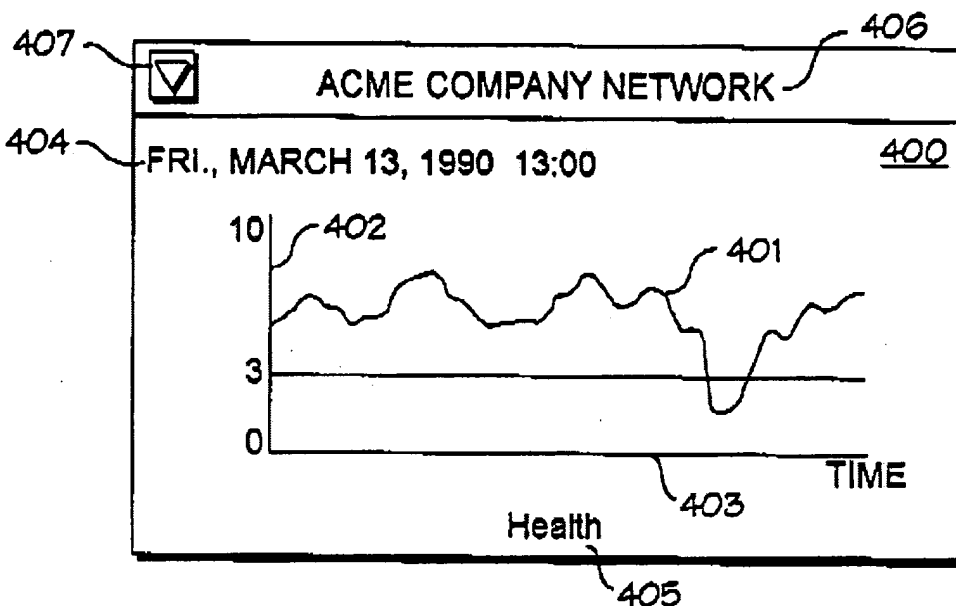


Fig. 4

Regarding Claims 23, 32 and 41 Manghirmalani et al. teach a system management method and system wherein the selectable list of metrics includes at least one of the following (one or more) operational availability (Column 6, Lines 61-62), system availability (Column 6, Lines 61-62), inherent availability, objects (Figure 2 as shown below; Figure 11 as shown above), scheduled downtime rate, unscheduled downtime rate, MTBF, MTBCF, MTBMA, MTTR-repair, MTTRS-restore system, QDRs, hardware fault distribution/density (error rate; Figures 13-16), number of hardware upgrades, number of message generate, number of version releases and project cost savings.

Regarding Claims 24, 33 and 42 Manghirmalani et al. teach a system management method and system comprising a graphical user interface wherein the display of a selectable list of metrics further comprises buttons or links for selecting at least one of the following (Figure 11-12 as shown above): all metrics, favorite metrics, customized favorite metrics, predefined groups of related metrics (e.g. groups of metrics associated with different types of subsystems/network components; Figure 11, Element 1103), custom groups of related metrics, creating a relationship of metrics and scrolling the list of metrics (scroll bars, Figures 11-12).

Regarding Claims 25, 34 and 43 Manghirmalani et al. teach a system management method and system comprising a graphical user interface wherein the selection of one of the displayed links to indicators and to elements causes the display of a screen comprising a least one of the following:

- a graphical display of a forecast of a selected metric including a threshold level for the selected (Figures 4, 6);
- a graphical display of a forecast (predict, future, anticipate, etc.) of a selected metric versus time including a threshold level for the selected metric (Column 10, Lines 33-68; Figure 4); or
- a graphical display of a metric indicating an unstable (unhealthy, poor performing, abnormal, out of bounds, green/yellow/red, low/high, etc.; Figure 12)

Art Unit: 3623

process (e.g. network access, component availability, etc.; Column 6, Lines 18-54; Column 8, Lines 15-68; Figures 3, 6, 13-16).

Regarding Claims 26, 35 and 44 Manghirmalani et al. teach a system management tool wherein the displayed screen comprises one or more links to elements and a menu bar comprising buttons corresponding to links and elements of the home page (Column Figure 2 as shown below; Figure 11, Element 1105, File Menu as shown above).

Regarding Claims 27, 36 and 45 Manghirmalani et al. teach a system management method and system further comprising displaying on the home page (start page, screen, window, etc.) links to features and elements including at least one of the following (one or more; Figure 2 as shown below): help, e-mail, report writing, options (settings), courses of actions, metric relationships (Figures 11-12 as shown above) and search.

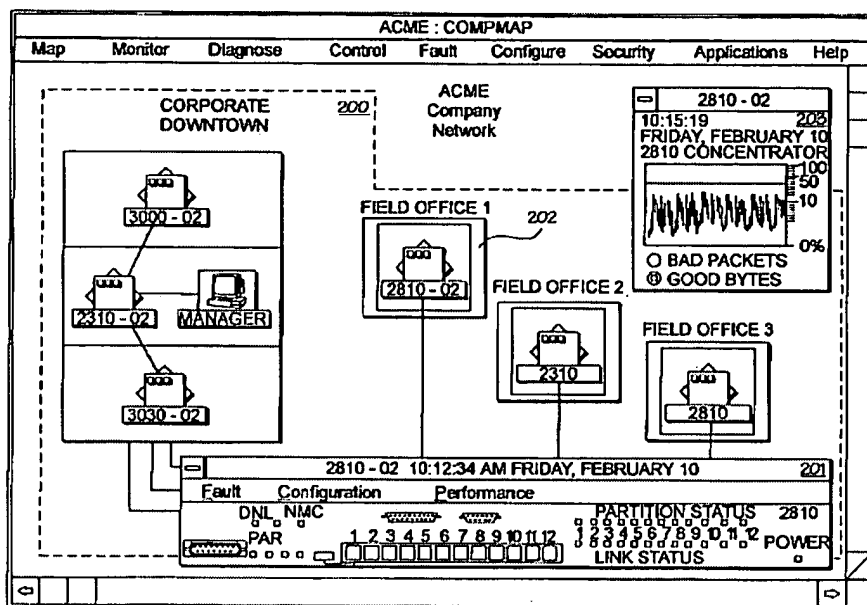


Fig. 2

Regarding Claims 29, 38 and 47 Manghirmalani et al. teach a system management method and system wherein:

- the library includes a process diagrams (map) defining an input and an output for modeling a system and/or subsystem (Figure 2 as shown above), an instruction manual (help, user guide, etc.; Column 5, Lines 51-63; Figure 2 as shown above) and a dictionary (glossary, listing of terms, etc.; inherently included in a help system/user manual);
- the plurality of database includes a data repository (management information base, MIB; Column 12, Lines 16-30); and
- the system and/or subsystems includes at least one of the following a sensor (agent; Column 3, Lines 43-48; Column 6, Lines 3-15), a sensor site, or a site (Figures 1-2).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 28, 37 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmalani et al., U.S. Patent No. 5,819,028 as applied to claims 21-27, 29-36, 38-45 and 47 above, and further in view of Muller, Nathan, Web-accessible Network Management Tools.

Regarding Claims 28, 37 and 46 Manghirmalani et al. teach a system management method and system further comprising:

- enabling a user to enter and view data (Figures 2-20);
- providing access over a network (Column 5, Lines 64-68; Column 6, Lines 1-9); and
- providing security options (Figure 2, Security menu option).

Manghirmalani et al. does not expressly teach accessing the system management method and system via a web browser as claimed.

Muller teaches the widespread use and commercial availability of a plurality of web-based system management (network management, enterprise management)



Art Unit: 3623

systems and method wherein the systems' provide "web interfaces" that enable users to diagnose and solve a plurality of system problems (issues) via a web browser (Page 1, Paragraphs 1-3). Muller further teaches that these system management tools are accessible via the Internet (web browser) and provide a plurality of benefits including but not limited to not requiring specialized client software, accessing performance data for a remote site and the like.

It would have been obvious to one skilled in the art at the time of the invention to provide access to the system management method and system, specifically the systems ability to be run/accessed over a distributed network, as taught by Manghirmalani et al. via the web (Internet, web-enabled, Internet-based) in view of the teachings of Muller; the resultant system enabling a greater number of users to view/access/interact with the system without requiring the installation of custom client software (Muller: Page 2, Paragraphs 2-3).

While Manghirmalani et al. teach that the system management method and system provides security options, Manghirmalani et al. does not expressly teach what specific security features (capabilities, options, etc.) are provided within the security menu (Figure 2).

Official notice is taken that providing/enabling access control (security, login/password, etc.) for a system wherein the security allows access to users with the

Art Unit: 3623

correct password is old and very well known as a mechanism for preventing unauthorized access to systems.

It would have been obvious to one skilled in the art at the time of the invention to prevent unauthorized access to the system management method and system as taught by Manghirmalani et al.; the resultant system providing an access control (security) mechanism wherein only authorized users may utilize the system management tool.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Farrand et al., U.S. Patent No. 5,559,958, teach a graphical user interface for a system management tool (computer management system) wherein the user interface utilizes a plurality of internal and external data stores including but not limited to management information bases (MIBs) that contain data on the systems/subsystems being monitored and controlled.

- Ordanic et al., U.S. Patent No. 5,751,964, teach a system management tool (system and method) comprising a graphical user interface wherein the system

Art Unit: 3623

automatically determines the appropriate metric thresholds to apply based on a plurality of factors wherein the metrics and their associated thresholds enable the user to determine if the systems' are operating normally (i.e. stable systems/processes).

- Kekic et al., U.S. Patent No. 5,999,179, teach a system management tool the wherein the system enables users to monitor a plurality of system/subsystem metrics comprising via an Internet-based graphical user interface.

- Nouri et al., U.S. Patent No. 6,145,098, teach a system management tool wherein the system utilizes a graphical user interface to present (display) the status (health, availability, etc.) of the plurality of systems/subsystems being monitored. Nouri et al. further teaches that the system provides access control (security) capabilities.

- Kekic et al., U.S. Patent No. 6,788,3156, teach a system management system and method wherein the system provides a graphical user interface via a network that enables users to manage a plurality of systems and subsystems.

- Roddy et al., U.S. Patent No. 2003/0055666, teach a system management system and method wherein the system enables users to collect, analyze, report and forecast repair/maintenance need for a plurality of enterprise assets utilizing a plurality of data (metrics, information).

- Bloomers, John, OpenView Network Node Manager, teaches a commercially available network (system) management tool wherein the tool provides a plurality of performance management capabilities (features) via a graphical user interface.

- Muller, Nathan, Focus on OpenView, teaches a commercially available system (network) management system and method comprising a graphical user interface for

Art Unit: 3623

presenting a plurality of information regarding the systems' being monitored including but not limited to status, performance and the like. Muller further teaches that the system management tool provides the development, monitoring and reporting on a plurality of metrics and their associated thresholds via a graphical user interface (browser) over a computer network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ  
6/6/2005

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600